

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
ADELPHIA RECOVERY TRUST, :
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Plaintiff, :
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No. 05 Civ. 9050 (LMM)
-against- :
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:
BANK OF AMERICA, N.A., et al., :
:
:
Defendants. :
:
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**NOTICE OF JOINT MOTION OF VARIOUS LENDERS TO DISMISS
THE AVOIDANCE AND SUBORDINATION CLAIMS**

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, the Declaration of Philip D. Anker, and all prior proceedings herein, defendants ABN AMRO Bank, N.V., The Bank of New York, The Bank of New York Mellon Corporation (f/k/a The Bank of New York Company, Inc.), Barclays Bank PLC, Credit Suisse, New York Branch, Credit Suisse Capital Funding, Inc., Deutsche Bank AG, The Fuji Bank Limited, Morgan Stanley Senior Funding, Inc., PNC Bank, NA, The Royal Bank of Scotland plc, SunTrust Banks, Inc. and SunTrust Bank (collectively, the “Lenders”), by their undersigned attorneys, will move the Court before Judge Lawrence M. McKenna, 500 Pearl Street, Room 1640, New York, New York, 10007, at a date and time to be determined by this Court, for an Order, pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing counts 1 to 16, 33, 41 to 44 and 49 to 52 of the amended complaint, filed on October 31, 2007, by the Adelpia Recovery Trust, and granting such other and further relief as this Court may deem just and proper.

The Lenders respectfully request oral argument.

Dated: New York, New York
December 21, 2007

Respectfully submitted,

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